

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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B.W.P. DISTRIBUTORS, INC.,	:: ECF CASE
	::
Plaintiff,	:: The Hon. Kenneth M. Karas
	::
-against-	:: 07 CV 9588
	::
OE PLUS LTD.,	:: NOTICE OF MOTION
	:: TO DISMISS
Defendant.	::
	::
-----X	

PLEASE TAKE NOTICE, that, upon the Memorandum of Law of Thomas C. Landrigan, Esq. and upon all the papers, pleadings, exhibits and proceedings had herein, pursuant to Federal Rule of Civil Procedure 12(b)(6) and 12(f) the undersigned will move this Court at the United States Courthouse for the Southern District of New York, before the Honorable Kenneth M. Karas, United States Courthouse, 300 Quarropas St., Room 533, White Plains, New York 10601, on the 21st day of May 2008 at 9:30 a.m., or as soon thereafter as counsel can be heard for an Order dismissing the First and Third Causes of Action of the Defendant's First Amended Answer, Affirmative Defenses and Counterclaim; to strike Paragraphs 19, 20 and 21 of the Counterclaim; and for such other and further relief as the Court deems just and proper.

Dated: White Plains, New York
April 7, 2008

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By: /s/Thomas C. Landrigan
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